

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02C-577T

RE: IN THE MATTER OF AN INVESTIGATION OF COMPETITIVE LOCAL EXCHANGE CARRIERS AND EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICE PROVIDERS CONCERNING ALLEGED VIOLATIONS OF COLORADO REVISED STATUTES AND COMMISSION RULES OF PRACTICE AND PROCEDURE RELATING TO THE FILING OF ANNUAL REPORTS BY PUBLIC UTILITIES.

DECISION GRANTING EXCEPTIONS

Mailed Date: February 13, 2003

Adopted Date: February 12, 2002

I. BY THE COMMISSION:

A. Statement

1. This matter comes before the Commission for consideration of Exceptions to Decision No. R03-0042 (Recommended Decision) filed jointly by Advanced Telecom Inc. (Advanced Telecom), and Shared Communications Services, Inc. (Shared Communications). In Decision No. R03-0042, issued by the Administrative Law Judge (ALJ) on January 13, 2003, the ALJ recommended revocation of the certificates of public convenience and necessity (CPCNs) of those telecommunications companies listed on Attachment A to the decision. The companies identified above did not appear on Attachment A to that decision; rather, these companies appeared on Attachment A to Decision No. R02-1468 which revoked the registrations of certain toll resellers. These companies have jointly filed Exceptions to the Recommended Decision and Motion to Supplement the Record in both this docket and Docket No. 02C-576T.

2. We note that in September 2002, Advanced Telecom requested the Commission allow the company to abandon its CPCN for all services in Colorado due to bankruptcy. *See*

Docket No. 02J-481AT. On October 18, 2002, the Director of the Commission sent a letter to Advanced Telecom acknowledging that the company's CPCN for local and emerging competitive services was being abandoned, but stated that the company must still file all reports required of telecommunications providers, including the annual financial report.

3. Because Advanced Telecom held a CPCN during the 2001 calendar year, which is the year in question in this current show cause docket, Advanced Telecom should have been on Attachment A to Decision No. R03-0042, not Decision No. R02-1468. However, because Advanced Telecom filed its 2001 annual report before the effective date of Decision No. R03-0042, its Exceptions and Motion to Supplement are granted.

4. Shared Communications is a toll reseller, and therefore, correctly a party of Docket No. 02C-576T, not Docket No. 02C-577T. Its Exceptions and Motion to Supplement will be decided in that docket.

II. ORDER

A. The Commission Orders That:

1. The Exceptions to Decision No. R03-0042 jointly filed by Advanced Telecom, Inc., and Shared Communications Services, Inc., are granted for Advanced Telecom, Inc. Advanced Telecom, Inc., is dismissed from this proceeding.

2. The Motion to Supplement Record filed by Advanced Telecom, Inc., and Shared Communications Services, Inc., is granted for Advanced Telecom, Inc.

3. The Exceptions and Motion to Supplement Record filed by Shared Communications Services, Inc., will be decided on in Docket No. 02C-576T.

4. Except as provided in this order, Decision No. R03-0042 is affirmed. Except as modified by this Order, the certificates of public convenience and necessity of those telecommunications companies appearing on Attachment A to Decision No. R03-0042 are revoked. Those facilities-based local exchange carriers listed on Attachment B to Decision No. R03-0042 shall disconnect those telecommunications companies remaining on Attachment A within 15 business days after the conclusion of the 20-day period for rehearing, reargument, or reconsideration.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the Mailed Date of this Decision.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 12, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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Commissioners

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